



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

JLP:ddj
Docket No: 5739-02
26 November 2002

[REDACTED] SN

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 26 November 2002. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by CNO memorandum 5420 N130D1/02U0582 of 29 October 2002, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON, D.C. 20350-2000

IN REPLY REFER TO

5420
N130D1/ 02U0582
29 Oct 2002

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: COMMENT AND RECOMMENDATION IN THE CASE OF S [REDACTED]

Encl: (1) BCNR case file #05739-02 with microfiche service record

1. The following provides comment and recommendation on Seaman [REDACTED] petition.

2. N130 recommends denial of Seaman [REDACTED] petition for an Enlistment Bonus (EB) College Kicker.

3. Seaman [REDACTED] entered the Delayed Entry Program (DEP) on 20 December 2001, volunteered for the Advanced Electronics Field (AEF) Program Guarantee, and signed an EB contract in the amount of \$10,000. He requests favorable action that would allow payment of an EB College Kicker in addition to the EB that is included in his contract.

4. EB is not an entitlement, but a recruiting tool used at the discretion of recruiters and classifiers to entice individuals to enlist in critical skills. The EB program is budgeted based on quotas provided by the Commander, Navy Recruiting Command and the Enlisted Community Managers, not by the number of "A" School accession seats. An EB College Kicker is an EB and is governed under the preceding rules. Every recruit is not offered nor receives an EB College Kicker.

5. Seaman [REDACTED] has a valid EB Contract in the amount of \$10,000 and is entitled to that payment upon completion of his training pipeline and qualification in the skill for which he was offered the EB. He is not entitled to an EB College Kicker because it was not offered by his classifier nor included in his contract upon entrance into the Navy.

Subj: COMMENT AND RECOMMENDATION IN THE CASE OF SEAMAN [REDACTED]
[REDACTED]

6. BCNR case file with microfiche service record is returned herewith as enclosure (1).



Hope E. Dolan
Head, Enlisted Bonus
Programs Branch